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June 30, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 02-55; ET Docket No. 95-18; ET Docket No. 00-258; IB
Docket No. 01-185

Dear Ms. Dortch:

Yesterday, David Donovan of the Association for Maximum Service Television and the undersigned met with Anne Perkins of the Office of Commissioner Adelstein, Sam Feder of the Office of Commissioner Martin, Jennifer Manner of the Office of Commissioner Abernathy and Paul Margie of the Office of Commissioner Copps concerning the MSTV-NAB-Nextel BAS Relocation Plan submitted in the above-referenced dockets.

We reviewed the key elements of that plan that we believe should be included in any order adopting the plan. A memo summarizing those points was provided to each participant and a copy of that memo is attached. We emphasized that the MSTV-NAB-Nextel Relocation Plan differs from the Commission's MSS-based relocation plans because the change from a satellite to a terrestrial service as the first entrant into the cleared spectrum permits the adoption of a relocation plan that avoids the disruption to news service and the interference between television markets that the previous plans entailed.

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack N. Goodman", is written over a horizontal line.

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Attachment

cc: Anne Perkins
Sam Feder
Jennifer Manner
Paul Margie

NAB/MSTV/Nextel Joint BAS Relocation Plan

NAB, MSTV and Nextel submitted a proposed plan for relocating broadcast auxiliary service (“BAS”) licensees out of the 1990-2025 MHz band. Certain essential elements of the proposed BAS proposal should be reflected in any Commission order in the *800 MHz Public Safety* proceeding adopting the Consensus Plan.

- Finances. Nextel is responsible for funding 100 percent of the cost of relocating all BAS licensees in all markets from the 1990-2025 MHz band, contingent on the Commission’s assignment to Nextel of replacement spectrum at 1910-1915/1990-1995 MHz.¹
 - Nextel receives full credit for its financial contributions to the relocation of BAS licensees as an offset to its contributions to the realignment of the 800 MHz band.
 - Nextel must fund the entire relocation of BAS licensees regardless of the relocation schedule set forth in the Commission’s existing BAS relocation plan, and regardless of whether Nextel is the first new entrant into the 2 GHz band.
- Relocation Process. Nextel will endeavor to complete relocation of BAS licensees in two stages, within 18 months and 30 months, respectively, as follows:
 - Stage One: Nextel will relocate BAS operations in all markets where it seeks to deploy terrestrial wireless services in the 1.9 GHz band immediately, and adjacent markets that raise inter-market coordination and interference problems.
 - Stage Two: Nextel will relocate BAS operations in all remaining markets nationwide. No BAS licensees will have to vacate spectrum before BAS relocation is complete in that market.
- The Commission’s existing market-segmented approach will no longer govern the order in which BAS operations are relocated.
- Nextel and BAS licensees will use their best efforts to complete the BAS relocation process as scheduled, however these deadlines may need to be adjusted due to the availability of equipment, tower crews and other installation technicians.
- Nextel and BAS licensees will develop a joint BAS relocation plan during two mandatory negotiation periods, both of which will commence on the effective date of a Commission Order implementing the Consensus Plan or similar 800 MHz realignment plan (“Consensus Plan effective date”). The first negotiation period will cover Stage One relocations and terminate nine months after the Consensus Plan effective date, and the

¹ This amount is estimated at approximately \$512 million, although the Commission should recognize that the actual cost could be higher depending on how many 2 GHz fixed links need to relocate entirely to another band. *See* 2003 2 GHz BAS Census.

second period will cover Stage Two relocations and terminate 18 months after the Consensus Plan effective date.

- Nextel and BAS licensees will negotiate in keeping with the Commission's policies concerning "good faith" negotiations.
- As soon as possible during the respective negotiation periods, Nextel and BAS licensees will submit a jointly developed schedule for the order in which markets are relocated.
- Once relocation of BAS licensees commences, Nextel and BAS licensees will provide the Commission with periodic updates on the status of the relocation process.